

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
Wheeling**

**MARK McEVOY, et al.,**

Plaintiffs,

v.

**Civil Action No. 5:22-CV-171**  
Judge Bailey

**DIVERSIFIED ENERGY COMPANY PLC,**  
*et al.,*

Defendants.

**AMENDED SCHEDULING ORDER**

Pending before this Court is a Joint Motion to Amend Scheduling Order [Doc. 636], filed August 8, 2024. Therein, the parties state they have conferred in good faith and agree that there is good cause to amend the scheduling order in order to finish the remaining depositions of expert witnesses, as well as address summary judgment in light of the one-way intervention rule, which would not allow or a ruling on summary judgment prior to the certification of a class. For good cause shown, the Motion [Doc. 636] is **GRANTED**. The current scheduling order [Doc.607] is hereby **AMENDED** and pursuant to Federal Rules of Civil Procedure ("FED. R. CIV. P.") 16(b) & 26(f), and the Local Rules of Civil Procedure ("LR Civ P"), it is hereby **ORDERED** that the below listed dates be adopted subject to the definitions following hereinafter:

- |   |  |
|---|--|
| 1. <u>Intermediate Pretrial Conference:</u> | 7. <u>Class Certifications Motions:</u>    |
| <b><u>At Parties' Request</u></b>           | b. Replies: <b><u>November 1, 2024</u></b> |
| 6. <u>Discovery Completion:</u>             |  |
| b. Expert:                                  | <b><u>October 4, 2024</u></b>              |

8. Motion Practice/Dispositive Motions:  
30 days after order denying class certification or 14 days after service of notice to class members, if an order is entered granting class certification  
a. Responses: 21 days after Motion  
b. Replies: 14 days after Response

Upon ruling on class certification, this Court will schedule and hold a Scheduling Conference. Therefore, the remaining dates<sup>1</sup> in the current Scheduling Order [Doc. 607] are hereby **VACATED**.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record herein.

**DATED:** August 12, 2024.

  
JOHN PRESTON BAILEY  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> The remaining dates are: (1) Fed. R. 26(a)(3) Disclosures; (2) Voir Dire, Jury Instructions, and Verdict Form; (3) Motions in Limine; (4) Biographical Sketches; (5) Joint Pretrial Order; (6) Final Pretrial Conference; and (7) Trial.